

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-x Civil Action No.:

STATE FARM AUTOMOBILE INSURANCE  
COMPANY a/s/o DERRIK ROY,

Plaintiff,

**VERIFIED  
COMPLAINT**

-against-

UNITED STATES OF AMERICA,

Defendant.

Plaintiffs, STATE FARM AUTOMOBILE INSURANCE COMPANY a/s/o DERRIK ROY, by their attorneys, MARKOWITZ & BARKOFF, P.C., as and for their Complaint, alleges the following upon information and belief:

**PARTIES**

1. That at all times hereinafter mentioned, plaintiff STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (hereinafter referred to as "STATE FARM"), is a foreign corporation, with a principal place of business in Illinois.

2. That at all times hereinafter mentioned, plaintiff STATE FARM, was and still is an insurance company duly authorized to transact the business of issuing automobile insurance policies in the State of New York.

3. That at all times hereinafter mentioned, STATE FARM'S Subrogor DERRIK ROY, (hereinafter referred to as "Subrogor"), was and still is a resident of the State of New York.

4. Upon information and belief, at all times hereinafter mentioned, the UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT was and is a duly constituted department of defendant UNITED STATES OF AMERICA (hereinafter referred to as "USA").

5. That upon information and belief, at all times hereinafter mentioned, ROBERT DUNN (hereinafter referred to as "DUNN"), was and is a resident of the State of New York and was at all relevant time hereinafter mentioned, an agent, servant and/or employee of defendant, UNITED

STATES OF AMERICA.

**JURISDICTION**

6. Jurisdiction of this Court is founded upon 28 U.S.C.1346(b) and 28 U.S.C. §2671-2680 as defendant USA is being sued herein for actions committed by persons acting on behalf of the United States.

**VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C.1391(a)(2), since a substantial number of the events or omissions giving rise to the claims herein occurred within this District or were committed here and the property that is the subject of the action is situated within this District.

**FACTS**

8. That upon information and belief, at all times hereinafter mentioned, defendant USA was and is a duly constituted department of the United States Government.

9. That upon information and belief, at all times hereinafter mentioned, defendant USA was the registered owner of a 2019 GMC bearing New York license plate HWY5473.

10. That upon information and belief, at all times hereinafter mentioned, DUNN was the driver/operator of the 2019 GMC bearing New York license plate HWY5473, owned by and registered to defendant USA.

11. Prior to March 1, 2024, in the course of plaintiff's business, plaintiff STATE FARM issued an automobile insurance policy to Subrogor, insuring Subrogor's vehicle, a 2018 Ford, bearing New York license plate 17832JW.

**AS AND FOR A FIRST CAUSE OF ACTION**

12. Plaintiff repeats, reiterates and realleges each and every allegation contained in the preceding paragraphs of this Verified Complaint numbered, "1" through "11" inclusive, with the same force and effect as though fully set forth herein at length.

13. That on or about March 1, 2024, the 2019 GMC, which was being operated by DUNN and which was owned by and registered to defendant USA, struck the 2018 Ford, bearing New York

license plate 17832JW, which was owned and operated by plaintiff's Subrogor.

14. That the motor vehicle owned by and registered to defendant USA was at the time of the aforementioned automobile accident, being operated and driven by DUNN, with the full knowledge, consent, permission, and authority of defendant USA.

15. That defendant USA knew or should have known that DUNN would operate said motor vehicle in a reckless, careless, negligent, and dangerous manner.

16. That on or about March 1, 2024, DUNN operated his vehicle in a careless, reckless and negligent manner in that he struck the rear end of Subrogor's vehicle. A copy of the New York State Police Report is attached hereto as Exhibit A.

17. That the aforementioned incident on March 1, 2024, was caused solely by the carelessness, recklessness and negligence of DUNN and defendant USA in the operation, use, and control of said automobile.

18. That the aforesaid damages were caused without any negligence on the part of Subrogor contributing thereto.

19. That plaintiff reserves the right to plead Res Ipsa Loquitur at the time of trial.

20. That solely as a result of the foregoing, plaintiff STATE FARM, pursuant to the provisions of its insurance policy, paid to Subrogor the sum of at least \$21,934.40, all resulting from the negligence of DUNN and defendant USA.

21. That by virtue of said payments, and in accordance with the provision contained in its insurance policy, plaintiff STATE FARM became subrogated to all the rights of Subrogor to recover against DUNN and defendant USA, for any and all sums of money paid under said policy.

22. Prior to the institution of this action, this claim was presented to UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT for its review, through the use of an executed Standard Form 95. A copy of said Standard Form 95 is attached hereto as Exhibit B.

23. Defendant, UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT has not denied Plaintiff's claim within six months of its presentation.

24. No part of State Farm's claim has been paid, despite due demand therefor.

25. That as a result of the foregoing, plaintiff STATE FARM has been damaged in the sum of at least \$21,934.40, no part of which has been paid, despite due demand therefor.

WHEREFORE, plaintiff STATE FARM AUTOMOBILE INSURANCE COMPANY a/s/o DERIK ROY, demands judgment in its favor and against defendant, UNITED STATES OF AMERICA, in the amount of at least \$21,934.40, together with interest thereon from March 1, 2024, including the costs and disbursements of this action.

Dated: Jericho, New York

July 14, 2025

Yours etc.,  
MARKOWITZ & BARKOFF, P.C.

  
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